

U.S. Application No. 10/675,377, filed September 30, 2003
Attorney Docket No. 14970US02
Amendment dated June 5, 2008
In Response to Office Action mailed February 5, 2008

REMARKS

Claims 1-29 are pending.

Claim 12 stands rejected under 35 U.S.C. § 112, ¶ 2, for lacking an antecedent basis. Applicants inadvertently recited “the first communications network” when Applicants intended “the first communications device”. The “first communications device” has an antecedent basis in independent claim 1 from which claim 12 depends. It is therefore respectfully requested that the rejection under 35 U.S.C. § 112, ¶ 2, be withdrawn with respect to claim 12.

Claims 1-12, 16-22 and 27-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0045030 A1 to Jodie Lynn Reynolds et al. (“Reynolds”). Applicants respectfully traverse the rejection for at last the reasons as set forth below.

Although Applicants neither agree nor disagree with the Examiner’s interpretation of the recited claim elements or Reynolds, in order to expedite prosecution, Applicants have amended the independent claims (e.g., claims 1, 17, 21, 22 and 27) to recite subject matter not described in Reynolds.

For at least the above reasons, it is therefore respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to 1-12, 16-22 and 27-29.

Claims 13-15 and 24-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Reynolds in view of U.S. Patent Publication No. 2002/0190876 A1 to Angela C.W. Lai et al. (“Lai”).

In view of at least the amendments to the independent claims 1 and 22, it is respectfully submitted that *prima facie* case of obviousness presented in the Office Action needs to be revised or withdrawn. See, e.g., M.P.E.P. § 2142 (“[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness”).

Applicants do not necessarily agree or disagree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization

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of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: June 5, 2008

Respectfully submitted,

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